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HOUSE BILL NO. 2147

Offered January 9, 2013

Prefiled January 9, 2013

A BILL to amend and reenact §§ 24.2-527 and 24.2-545 of the Code of Virginia, relating to furnishing of names of candidates by party chairman; certifying minimum number of petition signatures.

Patron—Anderson

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-527 and 24.2-545 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-527. Chairman or official to furnish State Board and local electoral boards with names of candidates and certify petition signature requirements met.

A. It shall be the duty of the chairman or chairmen of the several committees of the respective parties to furnish the name of any candidate for nomination for any office to be elected by the qualified voters of the Commonwealth at large or of a congressional district or of a General Assembly district to the State Board, and to furnish the name of any candidate for any other office to the State Board and to the electoral boards charged with the duty of preparing and printing the primary ballots. *In furnishing the name of any such candidate, the chairman shall certify that a review of the filed candidate petitions found the required minimum number of signatures of qualified voters for that office to have been met.* The chairman shall also certify the order and date and time of filing for purposes of printing the ballots as prescribed in § 24.2-528, provided that the State Board shall determine the order and date and time of filing for candidates for United States Senator, Governor, Lieutenant Governor, and Attorney General for such purposes. Each chairman shall comply with the provisions of this section not less than 70 days before the primary.

B. In no case shall the individual who is a candidate for an office be the person who certifies the names of candidates for a primary for that same office. In such case the party shall designate an alternate official to certify the candidates.

§ 24.2-545. Presidential primary.

A. The duly constituted authorities of the state political party shall have the right to determine the method by which the state party will select its delegates to the national convention to choose the party's nominees for President and Vice President of the United States including a presidential primary or another method determined by the party. The state chairman shall notify the State Board of the party's determination at least 90 days before the primary date. If the party has determined that it will hold a presidential primary, each registered voter of the Commonwealth shall be given an opportunity to participate in the presidential primary of the political party, as defined in § 24.2-101, subject to requirements determined by the political party for participation in its presidential primary. The requirements may include, but shall not be limited to, the signing of a pledge by the voter of his intention to support the party's candidate when offering to vote in the primary. The requirements applicable to a party's primary shall be determined at least 90 days prior to the primary date and certified to, and approved by, the State Board.

B. Any person seeking the nomination of the national political party for the office of President of the United States, or any group organized in this Commonwealth on behalf of, and with the consent of such person, may file with the State Board petitions signed by at least 10,000 qualified voters, including at least 400 qualified voters from each congressional district in the Commonwealth, who attest that they intend to participate in the primary of the same political party as the candidate for whom the petitions are filed. Such petitions shall be filed with the State Board by the primary filing deadline. The petitions shall be on a form prescribed by the State Board and shall be sealed in one or more containers to which is attached a written statement giving the name of the presidential candidate and the number of signatures on the petitions contained in the containers. Such person or group shall also attach a list of the names of persons who would be elected delegates and alternate delegates to the political party's national convention if the person wins the primary and the party has determined that its delegates will be selected pursuant to the primary. The slate of delegates and alternates shall comply with the rules of the national and state party.

The State Board shall transmit the material so filed to the state chairman of the party of the candidate immediately after the primary filing deadline. The sealed containers containing the petitions for a candidate may be opened only by the state chairman of the party of the candidate. The state chairman of the party shall, by the deadline set by the State Board, furnish to the State Board the names

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59 of all candidates who have satisfied the requirements of this section. *In furnishing the name of each*
60 *such candidate, the state chairman shall certify that a review of the filed candidate petitions found the*
61 *required minimum number of signatures of qualified voters for that office to have been met.* Whenever
62 only one candidate for a party's nomination for President of the United States has met the requirements
63 to have his name on the ballot, he will be declared the winner and no presidential primary for that party
64 will be held.

65 C. The names of all candidates in the presidential primary of each political party shall appear on the
66 ballot in an order determined by lot by the State Board.

67 D. The State Board shall certify the results of the presidential primary to the state chairman. If the
68 party has determined that its delegates and alternates will be selected pursuant to the primary, the slate
69 of delegates and alternates of the candidate receiving the most votes in the primary shall be deemed
70 elected by the state party unless the party has determined another method for allocation of delegates and
71 alternates. If the party has determined to use another method for selecting delegates and alternates, those
72 delegates and alternates shall be bound to vote on the first ballot at the national convention for the
73 candidate receiving the most votes in the primary unless that candidate releases those delegates and
74 alternates from such vote.

75 E. The election, or binding of votes, of delegates to a political party's national convention for the
76 nomination of that party's candidates for President and Vice President of the United States through the
77 presidential primary process shall be considered to be equivalent to a primary for the nomination of a
78 party's candidate.

79 F. The cost of the presidential primary shall be paid by the Commonwealth pursuant to the
80 provisions of the appropriation act.